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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Effective functioning of the various mechanisms established for supervision, investigation and monitoring of the implementation of the treaty obligations entered into by States in regard to human rights and of the existing international standards in this regard

Report of the Secretary-General

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Introduction

1. By its resolution 1993/58, adopted on 9 March 1993, the Commission on Human Rights requested the Secretary-General to submit to its fiftieth session a report on the various treaty based and non-treaty based mechanisms which have been established "for the supervision, investigation and monitoring of the implementation of the provisions of international legal instruments and standards" in the field of human rights. In particular, the Commission wished to be informed of the following:

(a) Original mandates assigned to the various treaty and non-treaty mechanisms;

(b) International legal norms and standards on which existing non-treaty mechanisms now base their activities;

(c) Conceptual framework, methods of work and procedural rules applied by each non-treaty mechanism in the discharge of its mandate;

(d) Various norms, criteria and practices established by each existing mechanism in regard to the admissibility of communications;

(e) Preliminary consideration and evaluation of communications, their referral to the interested parties and subsequent course of action;

(f) Criteria used in practice by the Centre for Human Rights for channelling communications either to an existing public machinery or into the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII), together with the legal foundation for such criteria.

2. The above issues will be briefly dealt with in the following paragraphs, with appropriate references to the primary source. Part A refers to treaty mechanisms, part B to non-treaty mechanisms.

I. TREATY MECHANISMS

A. Reporting procedures under the various human rights instruments

3. At the present time, there are seven treaty bodies which have a mandate under the respective international instruments to consider reports submitted by States parties, as follows: (i) the Committee on Economic, Social and Cultural Rights, (ii) the Human Rights Committee, (iii) the Committee on the Elimination of Racial Discrimination, (iv) the Committee on the Elimination of Discrimination against Women, (v) the Committee against Torture, (vi) the Committee on the Rights of the Child and (vii) the Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid.

1. Committee on Economic, Social and Cultural Rights

4. In accordance with article 16 of the International Covenant on Economic, Social and Cultural Rights, the States parties to the Covenant undertake to submit reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized in the Covenant. All reports are submitted to the Secretary-General of the United Nations who transmits copies to the Economic and Social Council for its consideration.

5. In accordance with article 17 of the Covenant, the Council, in 1976, shortly after the Covenant entered into force, instituted, by its resolution 1988 (LX) a three phase reporting cycle according to which States parties were required to report, initially at two-yearly intervals, on different clusters of rights (arts. 6-9, 10-12 and 13-15). Subsequently, States parties were required to report on different clusters of rights every three years.

6. In accordance with article 18 of the Covenant, the Council also made arrangements with the specialized agencies in respect of their reporting on progress made in achieving the observance of the provisions of the Covenant falling within the scope of their activities.

7. By its resolution 1978/10, the Economic and Social Council established a 15-member sessional working group to assist it in considering the reports submitted by States parties. The working group was composed of representatives of States members of the Council which were also States parties to the Covenant.

8. By its resolution 1985/17, the working group was transformed by the Economic and Social Council into the Committee on Economic, Social and Cultural Rights, consisting of 18 experts who serve in their personal capacity.

9. The reporting system currently in force - proposed by the Committee on Economic, Social and Cultural Rights and endorsed by the Economic and Social Council in its resolution 1988/4 - provides for the submission of initial reports on the implementation of articles 1 to 15 of the Covenant within two years of ratification or accession to the Covenant, and thereafter for reports at five-year intervals.

10. The Committee makes general recommendations to the Economic and Social Council based on its study of State reports and reports received from United Nations specialized agencies, in accordance with Economic and Social Council resolution 1987/5 and General Assembly resolution 42/102.

2. Human Rights Committee

11. In accordance with article 40, paragraph 1, of the International Covenant on Civil and Political Rights, States parties undertake to submit reports to the Committee on the measures they have adopted to give effect to the rights

recognized in the Covenant and on the progress made in the enjoyment of those rights. The first report is due within one year of the entry into force of the Covenant for the State party concerned; thereafter, whenever the Committee so requests. In accordance with the decision on periodicity adopted by the Committee on 22 July 1981, subsequent reports of States parties are due every five years.

12. In accordance with article 40, paragraph 4, of the Covenant, the Committee began, in 1981, the practice of preparing general comments on substantive articles of the Covenant and, since 1992, concluding observations on State party reports.

13. In light of events indicating that human rights protected under the International Covenant on Civil and Political Rights had been seriously affected in certain States parties, the Human Rights Committee in 1991 adopted the practice of requesting States parties concerned urgently to submit reports on the human rights situation, generally within three months.

3. Committee on the Elimination of Racial Discrimination

14. Under article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties undertake to submit to the Committee a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention: (a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee so requests.

15. In 1988, the Committee endorsed a proposal made at the eleventh meeting of the States parties providing for submission by States parties of comprehensive reports to the Committee every four years, with brief updating reports at intervening two-year periods.

16. In accordance with article 9, paragraph 2, of the Convention, the Committee makes suggestions and general recommendations based on the examination of the reports and information received from the States parties.

17. Under article 15 of the Convention, the Committee is entrusted with the task of giving opinions and making recommendations on petitions to United Nations bodies from individuals and groups in United Nations Trust Territories and Non-Self-Governing Territories who allege racial discrimination. The Committee also gives its views and recommendations on reports provided by other United Nations bodies of legislative, judicial, administrative and other measures to combat racial discrimination in these Territories.

4. Committee on the Elimination of Discrimination against Women

18. Under article 18, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, States parties undertake to submit for consideration by the Committee a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the Convention and on the progress made in this respect:

(a) within one year after the entry into force for the State concerned; (b) thereafter, at least every four years and further whenever the Committee so requests.

19. In accordance with article 21, paragraph 1, of the Convention, the Committee makes suggestions and general recommendations based on the examination of reports and information received from States parties.

5. Committee against Torture

20. In accordance with article 19, paragraph 1, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the States parties submit for consideration by the Committee against Torture reports on the measures they have taken to give effect to their undertakings under the Convention, within one year after the entry into force of the Convention for the State party concerned. Thereafter, the States parties submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.

21. In accordance with paragraph 3 of the same article, the Committee may make such general comments on the report of a State party as it may consider appropriate and shall forward these to the State party concerned which, on its part, may respond to the Committee with any observations it chooses to make.

6. Committee on the Rights of the Child

22. Under article 44, paragraph 1, of the Convention on the Rights of the Child, States parties undertake to submit for consideration by the Committee reports on the measures they have adopted which give effect to the rights recognized in the Convention and on the progress made on the enjoyment of those rights: (a) within two years of the entry into force of the Convention for the State party concerned; (b) thereafter, every five years. Under paragraph 3 of the same article, a State party which has submitted a comprehensive initial report to the Committee need not repeat basic information previously provided. Under paragraph 4 of the same article, the Committee may request from States parties further information relevant to the implementation of the Convention.

23. In accordance with article 45 of the Convention, the Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may also invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

24. According to the same article, the Committee is empowered to transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications. In addition, the Committee may recommend to

the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child, and may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the Convention.

7. Group of Three under the Apartheid Convention

25. Under article VII of the International Convention on the Suppression and Punishment of the Crime of Apartheid, the States parties undertake to submit periodic reports to a group of three members of the Commission on Human Rights, established in accordance with article IX of the Convention, on the legislative, judicial, administrative or other measures that they have adopted to give effect to the provisions of the Convention.

26. The Commission on Human Rights, in its resolution 7 (XXXIV) of 1978, called upon States parties to submit their first report not later than two years after the entry into force of the Convention. The Commission established that subsequent reports should be submitted at two-year intervals.

27. In 1989, the Commission on Human Rights adopted resolution 1989/8 in which, upon recommendation by the Group of Three, the Commission requested States parties to the Convention to continue to submit initial reports not later than two years after the entry into force of the Convention, and to submit their periodic reports at four-year intervals, on the understanding that States parties may submit additional information to the Group at any time in the intervening period. Periodic reports need not repeat information already included in previous reports.

B. Inquiry procedures

28. One of the human rights instruments, namely, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, also provides for an inquiry procedure under its article 20. Such a procedure is established by article 20 of the Convention. At the time of signature and ratification of, or accession to, the Convention, a State may declare that it does not recognize the competence of the Committee provided for in article 20. This reservation is permitted by the provisions of article 28, paragraph 1, of the Convention.

29. In respect of all the States which have accepted the procedure set out in article 20, the Committee is empowered to receive information concerning allegations of torture. If it appears to the Committee that the information received is reliable and contains well-founded indications that torture is being systematically practised in the territory of a State party to the Convention, the Committee invites that State to cooperate in its examination of the information and, to this end, to submit observations with regard to that information. It may also decide to request additional information either from the representatives of the State concerned or from governmental and non-governmental organizations as well as individuals, for the purpose of obtaining further elements on which to form an opinion.

30. If it considers that the information gathered warrants it, the Committee may designate one or more of its members to make a confidential inquiry. In that case, it invites the State party concerned to cooperate with it in the conduct of the inquiry. The inquiry may include, with the agreement of the State party, a visit to its territory by the designated members, who may then conduct hearings of witnesses.

31. The designated members submit their findings to the Committee, which transmits them, together with its own comments or suggestions, to the State party. It invites that State to inform the Committee of the action it has taken with regard to the Committee's findings.

32. After all the proceedings regarding an inquiry have been completed, the Committee may decide to include a summary account of the results of the proceedings in its annual report. Only at that stage is the work of the Committee made public.

C. Inter-State complaints

33. Three of the international human rights instruments provide for a procedure according to which States parties to the instruments recognize the competence of the monitoring bodies established thereunder to receive and consider communications from a State party claiming that another State party is not fulfilling its obligations under the instrument concerned:

(a) The International Covenant on Civil and Political Rights, article 41 (optional); competent organ: Human Rights Committee;

(b) The International Convention on the Elimination of All Forms of Racial Discrimination, articles 11, 12 and 13 (obligatory); competent organ: Committee on the Elimination of Racial Discrimination;

(c) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 21 (optional); competent organ: Committee against Torture.

34. To date, this procedure has not yet been resorted to.

D. Communications procedures under treaty mechanisms

35. At present, three treaty mechanisms provide for a procedure for dealing with communications (complaints about alleged violations of the provisions of the respective international human rights treaties). These are (i) the procedure governed by the first Optional Protocol to the International Covenant on Civil and Political Rights (hereinafter referred to as the Optional Protocol procedure); (ii) the procedure governed by article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the CAT article 22 procedure); and (iii) the procedure governed by article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter referred

to as the CERD article 14 procedure). A fourth procedure for dealing with communications is envisaged under article 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC). That Convention is not yet in force and will not be dealt with in the present report.

1. Original mandate

(a) The Optional Protocol procedure

36. The Optional Protocol to the International Covenant on Civil and Political Rights was adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI) of 16 December 1966. The Optional Protocol, which entered into force on 23 March 1976, lays down a procedure for the examination of individual complaints about alleged violations of the Covenant. 1/ Seventy-four of the 125 States parties to the Covenant have become parties to the Optional Protocol.

(b) The CAT article 22 procedure

37. Article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 39/46 of 10 December 1984), which entered into force on 26 June 1987, lays down a procedure for dealing with individual complaints about alleged violations of the Convention. Thirty-four out of the 80 States parties to the Convention have recognized the competence of the Committee against Torture to deal with individual complaints under the article 22 procedure.

(c) The CERD article 14 procedure

38. Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 A (XX) of 21 December 1965), which Convention entered into force on 4 January 1969, lays down a procedure for the handling of complaints from individuals or groups of individuals claiming to be victims of a violation by a State party of any of the rights set forth in the Convention. The competence of the Committee on the Elimination of Racial Discrimination (CERD) became effective on 3 December 1982, pursuant to article 14, paragraph 9, of the Convention. So far, only 19 out of the 137 States parties to the Convention have recognized the competence of CERD to deal with complaints under the article 14 procedure.

2. International legal norms and standards on which existing non-treaty mechanisms now base their activities

[Not applicable to treaty-based procedures.]

3. Conceptual framework, methods of work and procedural rules applied by each non-treaty mechanism in the discharge of its mandate

[Not applicable to treaty-based procedures.]

4. The various norms, criteria and practices established by each existing mechanism in regard to the admissibility of communications

(a) The Optional Protocol procedure

39. The norms and criteria governing the admissibility of communications are set out in articles 1, 2, 3 and 5, paragraph 2, of the Optional Protocol. These have been further elaborated in rules 87 to 92 of the rules of procedure of the Human Rights Committee (CCPR/C/3/Rev.2). The application of these norms and criteria is amply reflected in the Committee's case law, as reproduced in its annual report to the General Assembly. (See also CCPR/C/OP/1 and 2, Selected Decisions under the Optional Protocol, volume 1 and 2.)

(b) The CAT article 22 procedure

40. The norms, criteria and practices regarding the admissibility of communications are set out in article 22 of the Convention and in the corresponding rules in the rules of procedure of the Committee against Torture. The application of these norms and criteria is reflected in the Committee's case law, as reproduced in its annual reports to the General Assembly.

(c) The CERD article 14 procedure

41. The norms, criteria and practices regarding the admissibility of communications are set out in article 14 of the Convention and in the corresponding rules in the rules of procedure of CERD (rules 91 and 92). The application of these norms and criteria is reflected in the Committee's case law, as reproduced in its annual reports to the General Assembly.

5. Preliminary consideration and evaluation of communications, their referral to the interested parties and subsequent course of action

(a) The Optional Protocol procedure

42. Pursuant to rules 89, paragraph 3, and 91, paragraph 1, of the Human Rights Committee's rules of procedure, preliminary consideration and evaluation of communications submitted under the Optional Protocol may be entrusted to one Committee member, acting as Special Rapporteur for new communications. The Special Rapporteur determines whether a new communication should be referred to the State party concerned on questions of admissibility, or whether to recommend to the Committee that a communication should be declared inadmissible, without prior referral to the State party. The latter course of action is followed if there is a clear ground for declaring a communication inadmissible. If a communication is referred to the State party, subsequent course of action consists of two stages: (a) determination of admissibility; (b) examination of the merits of the claim. The Committee's

Working Group on Communications can declare a communication admissible (rule 87, para. 2, of the rules of procedure), but it cannot declare a communication inadmissible. A decision to declare a communication admissible requires the support of all five members of the Working Group. Failing that, the Working Group places a recommendation before plenary for action. The Committee in plenary also acts on recommendations from the Working Group to declare a communication inadmissible.

43. After a communication has been declared admissible, the Working Group proceeds to consider the merits of the claim and prepares draft Views for consideration by the plenary. Final Views are then adopted by the Committee as a whole, stating whether the acts or omissions complained of reveal a breach of the Covenant, or not. Any member of the Committee can append an individual opinion to the Committee's Views.

(b) The CAT article 22 procedure

44. Pursuant to rule 106 of the rules of procedure of the Committee against Torture (CAT), preliminary consideration and evaluation of communications submitted under article 22 of the Convention may be entrusted to a Working Group of five of its members. The Working Group makes recommendations to the Committee concerning the admissibility of communications submitted under article 22 of the Convention. Pursuant to rule 108 of the rules of procedure, the Working Group may solicit information from the State party on questions of admissibility before making its recommendation to CAT. In any case, no communication can be declared admissible by the Committee unless it has been transmitted to the State party and unless the State party has been given an opportunity to make its observations on questions of admissibility.

45. Pursuant to rules 110 and 111 of the rules of procedure, consideration of the merits of the claims takes place in plenary. The Committee formulates its Views, as to whether the act or omission complained about constitutes a breach of the Convention, or not. Decisions of a final nature (Views on the merits, or decisions declaring a communication inadmissible under article 22) are made public in the Committee's annual report to the General Assembly.

(c) The CERD article 14 procedure

46. Pursuant to rule 87 of CERD's rules of procedure (as amended at the Committee's forty-third session in 1993; see document A/48/18, annex V), preliminary consideration and evaluation of communications submitted under article 14 of the Convention may be entrusted either to a working group consisting of five Committee members or to a single member acting as Special Rapporteur. The Working Group or the Special Rapporteur make recommendations to CERD concerning the admissibility of communications. According to rule 92 of the rules of procedure, they may also decide on the transmittal of communications to States parties, seeking information on questions of admissibility before making recommendations to the Committee. No communication can be declared admissible without prior transmittal to the State party.

47. Pursuant to rules 94 and 95 of the rules of procedure, consideration of the merits of the claims takes place in plenary. The Committee formulates its Opinion, as to whether the act or omission complained about constitutes a breach of the Convention, or not. Decisions of a final nature (Opinions on the merits, or decisions declaring a communication inadmissible) are made public in the Committee's annual report to the General Assembly.

6. Criteria used in practice by the Centre for Human Rights for channelling communications either to an existing public machinery or into the confidential procedure governed by Council resolution 1503 (XLVIII) - Legal foundation for such criteria

(a) The Optional Protocol procedure

48. The procedure governed by the Optional Protocol is normally seen as a confidential procedure, although the Views of the Human Rights Committee and other decisions of a final nature (decisions declaring communications inadmissible) are made public, after they have been communicated to the parties under article 5, paragraph 4, of the Optional Protocol. However, the issue as to whether a communication is channelled into the Optional Protocol procedure or the confidential procedure governed by Council resolution 1503 (XLVIII) may be relevant in the context of the present report. The criteria used in practice by the Secretariat in determining whether a communication is channelled into the Optional Protocol procedure or the 1503 procedure are set out in some detail in the Secretary-General's report on existing United Nations procedures for dealing with communications placed before the thirty-fifth session of the Commission on Human Rights in 1979, pursuant to Commission resolution 16 (XXXIV) of 7 March 1978 (document E/CN.4/1317). No objections were raised by the Commission in respect of the suggested criteria. While not explicitly spelt out in a resolution or decision, the Commission's tacit approval has been regarded as a legal basis, since 1979, for the Secretariat's working methods in this respect.

49. The same criteria are applied, mutatis mutandis, when it has to be determined whether a communication should be channelled into another treaty based complaints procedure or the 1503 procedure.

(b) The CAT article 22 procedure

[See paragraphs 48 and 49 above.]

(c) The CERD article 14 procedure

[See paragraphs 48 and 49 above.]

II. NON-TREATY MECHANISMS

A. The original mandates assigned to the various non-treaty mechanisms

1. Procedure for dealing with communications, governed by Economic and Social Council resolution 1503 (XLVIII)

50. By resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights decided to place an item on the question of violations of human rights on its annual agenda. In that context, the Commission requested authority from the Economic and Social Council, inter alia, to examine information relevant to gross violations of human rights contained in the communications listed in the annual confidential list of communications pursuant to Council resolution 728 F (XXVIII) of 30 July 1959. These lists had their origin in Council resolution 75 (V) of 5 August 1947, when the Council for the first time approved the self-denying statement adopted by the Commission at its first session to the effect that it recognized that it had no power to take any action in regard to any complaints concerning human rights. The Secretary-General was nevertheless requested to compile before each session of the Commission a confidential list containing summaries of such complaints, and to furnish this list to the members of the Commission, in private meeting, without divulging the identity of the authors, unless they had no objection to the disclosure of their names. A number of minor modifications were made through the years in respect of Council resolution 75 (V). These modifications were consolidated in 1959 with the adoption of Council resolution 728 F (XXVIII). The "no power" doctrine still prevailed, but communications containing allegations of violations of human rights continued to be summarized in an annual confidential list of communications. This was the situation when the Commission in 1967 requested authority to examine communications concerning alleged gross violations of human rights, listed in the annual confidential list, and to take action thereon as it deemed appropriate.

51. By resolution 1235 (XLII) of 6 June 1967, the Economic and Social Council granted the requested authority and empowered the Commission, in appropriate cases, and after careful consideration of the information thus made available to it, to make a thorough study of situations which reveal a consistent pattern of violations of human rights.

52. It hampered the exercise of the authority to deal with communications relating to violations of human rights, that no specific procedure had been devised for that purpose. The Sub-Commission, the Commission and the Council set about devising such a procedure, which was finally established on 27 May 1970 with the adoption of Council resolution 1503 (XLVIII). Before the procedure, however, could start to function, the Council requested the Sub-Commission to devise appropriate procedures for dealing with the question of admissibility of communications. On 13 August 1971, the Sub-Commission adopted resolution 1 (XXIV) setting out "provisional procedures" for dealing with the question of admissibility of communications, and on 16 August 1971 the Sub-Commission adopted resolution 2 (XXIV), establishing the Working Group

on Communications, the screening body envisaged by paragraph 1 of Council resolution 1503 (XLVIII). The procedure started to function the following year when the Working Group on Communications met for the first time.

53. In short, the 1503 procedure lays down a three-stage mandate involving the Working Group on Communications, the Sub-Commission and the Commission. As early as 1974, the Commission added a further stage to the procedure, by establishing the Working Group on Situations. That Working Group was set up annually on an ad hoc basis, until the Council made it a permanent feature in the implementation machinery of the procedure in 1990 (Council resolution 1990/41 of 25 May 1990).

54. The role of the Working Group on Communications is to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII), together with all replies received from Governments thereon, with a view to bringing to the attention of the Sub-Commission those communications, together with corresponding government replies, as received, which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms (Council resolution 1503 (XLVIII), para. 1).

55. The role of the Sub-Commission is to consider the communications and the government replies brought before it by a decision of a majority of the members of the Working Group on Communications and other relevant information, with a view to determining whether to refer to the Commission particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights requiring consideration by the Commission (Council resolution 1503 (XLVIII), para. 5).

56. The role of the Working Group on Situations is to examine the material referred to the Commission by the Sub-Commission under the 1503 procedure, any written government observations relating thereto and any particular situation kept pending before the Commission under the procedure, and to make recommendations to the Commission on what course of action to take in respect of each particular situation (Council resolution 1990/41).

57. Pursuant to paragraph 6 of Council resolution 1503 (XLVIII) the Commission is called on to determine (a) whether a particular situation referred to it requires a thorough study and a report and recommendations thereon to the Council in accordance with paragraph 3 of Council resolution 1235 (XLII), or (b) whether a particular situation referred to it may be a subject of an investigation by an ad hoc committee. The latter course of action, which can only be embarked upon with the consent of the State concerned, has never been taken.

58. Paragraph 8 of Council resolution 1503 (XLVIII) lays down a general rule of confidentiality and provides that all actions envisaged in the implementation of the resolution by the Sub-Commission or the Commission

shall remain confidential until such time as the Commission may decide to make recommendations to the Economic and Social Council. The rule of confidentiality applies also to actions taken by the Working Group on Communications and the Working Group on Situations.

2. Special procedures

59. During the past 25 years the Commission on Human Rights and ECOSOC have established a number of extra-conventional procedures and mechanisms which have been entrusted to either working groups composed of experts acting in their individual capacity or to independent individuals variously designated special rapporteurs/representatives or experts. The mandates given to such procedures and mechanisms are to examine and publicly report on human rights situations in specific countries or territories or on major phenomena of human rights violations worldwide. These procedures and mechanisms are collectively referred to as the special procedures of the Commission on Human Rights.

60. Each of the said special procedures has its own specific mandate which in certain cases has evolved in accordance with circumstances and needs, mostly upon specific directives given by the Commission. Equally, each procedure and mechanism has developed its own methods of work and adapted them to the mandates as they evolved and to the specificities of the situations to be examined. Although certain basic principles and criteria are common to all special procedures, the complexities and peculiarities of each individual mandate have often required unique approaches which have been described in the reports submitted by special rapporteurs/representatives/experts or working groups to the Commission on Human Rights.

61. It should also be noted that two working groups, i.e. the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention, have developed and placed before the Commission coherent sets of their methods of work. These methods of work are also continuously reviewed and refined so as to respond to the requirements of the mechanisms in question.

62. In an effort to respond adequately to the question put, and yet to accommodate the wide range of specificities and peculiarities among the procedures, and further taking into consideration the page limitations applicable to reports of the Secretary-General, an effort has been made to present the various applicable mandates, criteria and methods of work as succinctly and completely as possible. Thus, tables have been composed for both the "thematic" and "country-oriented" procedures under each question.

63. The first two tables reproduced below contain references to the original mandates as well as to the current mandates of the special procedures. The subsequent tables are explained in the corresponding introductory paragraphs.

i. Thematic procedures

Mandates	Original Mandate	Current Mandate
Arbitrary Detention (Working Group)	CHR res. 1991/42	CHR res. 1991/42 CHR res. 1993/36
Enforced or Involuntary Disappearances (Working Group)	CHR res. 20 (XXXVI) 1980	CHR res. 1992/29
Extrajudicial, summary or arbitrary executions (Special Rapporteur)	ECOSOC res. 1982/35	CHR res. 1992/72
Freedom of opinion and expression (Special Rapporteur)	CHR res. 1993/45	CHR res. 1993/45
Internally displaced persons (Representative of the Secretary-General)	CHR res. 1992/73	CHR res. 1993/95
Racism, racial discrimination and xenophobia (Special Rapporteur)	CHR res. 1993/20	CHR res. 1993/20
Religious intolerance (Special Rapporteur)	CHR res. 1986/20	CHR res. 1992/17
Sale of children, child prostitution and child pornography (Special Rapporteur)	CHR res. 1990/68 ECOSOC dec. 1990/240	CHR res. 1992/76
Torture and other cruel, inhuman or degrading treatment (Special Rapporteur)	CHR res. 1985/33	CHR res. 1992/32
Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (Special Rapporteur)	CHR res. 1987/16	CHR res. 1992/6

ii. Country-oriented procedures

Mandate	Original Mandate	Current Mandate
Afghanistan (Special Rapporteur)	CHR res. 1984/55	CHR res. 1993/66
Cuba (Special Rapporteur)	CHR res. 1992/61	CHR res. 1993/63
El Salvador (Special Rapporteur)	CHR res. 32 (XXXVII)	CHR res. 1993/93
Equatorial Guinea (Special Rapporteur)	CHR res. 1992/79	CHR res. 1993/69
Haiti (Special Rapporteur)	CHR res. 1992/77	CHR res. 1993/68
Iraq (Special Rapporteur)	CHR res. 1991/74	CHR res. 1993/74
Islamic Republic of Iran (Special Representative)	CHR res. 1984/54	CHR res. 1993/62
Myanmar (Special Rapporteur)	CHR res. 1992/58	CHR res. 1993/73
Palestinian territories occupied by Israel (Special Rapporteur)	CHR res. 1993/2A	CHR res. 1993/2A
Southern Africa (Working Group)	CHR res. 2 (XXIII) and CHR res. 1991/21 2/	CHR res. 1993/9
Sudan (Special Rapporteur)	CHR res. 1993/60	CHR res. 1993/60
Former Yugoslavia (Special Rapporteur)	CHR res. 1992/S-1/1	CHR res. 1993/7

B. The International legal norms and standards on which existing non-treaty mechanisms now base their activities

1. Procedure for dealing with communications, governed by Economic and Social Council resolution 1503 (XLVIII)

64. The basic norms and standards applied under the 1503 procedure are those set out in the Universal Declaration of Human Rights. The implementing bodies are also guided by the recognized rules of international human rights law, as they have found expression in international human rights treaties.

2. Special procedures

65. The special rapporteurs/representatives/experts and working groups of the special procedures of the Commission on Human Rights base their activities on those conventional and customary legal norms and standards applicable to the respective situations they monitor. Several have made specific references to these norms and standards in their reports to the Commission on Human Rights. The following table lists, to the extent the above-mentioned procedures have pronounced themselves, the most pertinent references.

i. Thematic procedures

Mandates	Location in Documents
Arbitrary Detention (Working Group)	E/CN.4/1992/20, paras. 7, 10, annex I; E/CN.4/1993/24, Deliberation 02
Enforced or Involuntary Disappearances (Working Group)	E/CN.4/1435, para. 194; E/CN.4/1492, chapter V, E/CN.4/1983/14, paras. 130, 132; E/CN.4/1984/21, chapter VI; E/CN.4/1989/18, paras. 26-33; E/CN.4/1993/25, para. 56
Extrajudicial, summary or arbitrary executions (Special Rapporteur)	E/CN.4/1994/7, para. 10; E/CN.4/1993/46, paras. 42-68; E/CN.4/1992/30, annex
Freedom of opinion and expression (Special Rapporteur)	E/CN.4/1994/33, paras. 8-12
Internally displaced persons (Representative of the Secretary-General)	E/CN.4/1993/35, paras. 55-88; E/CN.4/1994/44, paras. 19-28
Religious intolerance (Special Rapporteur)	E/CN.4/1987/35, paras. 3-6; E/CN.4/1989/44, paras. 82-87
Sale of children, child prostitution and child pornography (Special Rapporteur)	E/CN.4/1992/55, paras. 37-38
Torture and other cruel, inhuman or degrading treatment (Special Rapporteur)	E/CN.4/1986/15, paras. 22-31
Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (Special Rapporteur)	E/CN.4/1992, paras. 3, 30, 138, 139, 143-163; E/CN.4/1993/18, paras. 24, 27, 130, 135, 160

ii. Country-oriented procedures

Mandate	Location in Documents
Afghanistan	E/CN.4/1985/21, paras. 135-169
Cuba	E/CN.4/1993/39, paras. 26, 59, 63, 73, 84
El Salvador	E/CN.4/1993/11, paras. 103, 117, 227, 231
Equatorial Guinea	E/CN.4/1993/48, paras. 22, 42
Iraq	E/CN.4/1992/31, paras. 18-39; E/CN.4/1993/45, paras. 23-33
Islamic Republic of Iran	E/CN.4/1992/34, paras. 149, 248, 256, 264, 411, 415, 428, 446, 456, 458, 469, 470; E/CN.4/1993/41, paras. 7, 10, 87, 125, 126, 132, 286, 290, 292, 318-321, 323, 325, 326
Myanmar	E/CN.4/1993/37, paras. 139-199
Southern Africa	E/CN.4/1992/8 at paras. 23-24; E/CN.4/1993/14, paras. 28-29

C. The conceptual framework, methods of work and procedural rules applied by each non-treaty mechanism in the discharge of its mandate

1. Procedure for dealing with communications, governed by Economic and Social Council resolution 1503 (XLVIII)

66. The conceptual framework of the 1503 procedure represents a mechanism permitting the Commission on Human Rights, and the other bodies involved in its implementation, to consider in a meaningful manner allegations of gross violations of human rights wherever they are said to occur. In so doing, the bodies involved rely on the cooperation of the Governments concerned. The receipt of government replies and written observations on the allegations made, as well as the active participation by the Governments concerned in the closed meetings of the Commission, are considered essential.

67. The rules of procedure of the functional commissions of the Economic and Social Council are relevant to the work of the Commission on Human Rights under the 1503 procedure. In accordance with rule 24 of these rules, they also apply to the work of the other bodies involved, in so far as they are applicable.

68. At the first stage in the implementation of the procedure, the Working Group on Communications screens the communications which have been processed by the Secretariat under Council resolution 728 F (XXVIII) during a 12-month period ending 12 weeks prior to its meeting (Sub-Commission decision 1990/112 of 28 August 1990). All Government replies received under Council resolution 728 F (XXVIII) in response to these communications are duly taken into account. 3/ Because of the volume of work, a certain division of labour is agreed on by the members for prescreening purposes.

The preselections are then discussed by the Working Group as a whole and, unless there is consensus, a vote is taken as to whether a communication should be brought to the attention of the Sub-Commission. No communication can be referred to the Sub-Commission unless a decision to do so has the support of at least three of the five members. The Working Group may also decide to defer a decision in respect of a communication to its following session. The Working Group reports confidentially to the Sub-Commission.

69. At the second stage in the implementation of the procedure the Sub-Commission considers the communications and government replies brought to its attention by the Working Group on Communications and determines which particular situations to refer to the Commission on Human Rights for consideration. In so doing, the Sub-Commission may also take into account "other relevant information" (Council resolution 1503 (XLVIII), para. 5). In recent years, the Sub-Commission has taken its decisions by secret ballot, as authorized by Council resolution 1991/32. It may also decide to defer taking a decision until its next session. The Sub-Commission reports confidentially to the Commission under the 1503 procedure.

70. Once a decision has been taken to refer a particular situation to the Commission, the Sub-Commission must so inform the Government directly concerned and invite it to submit written observations to be taken into account when the Commission examines the situation (Commission decision 3 (XXX) of 6 March 1974).

71. The third stage is entrusted to the Working Group on Situations, which examines the new and pending material to be considered by a given session of the Commission under the 1503 procedure and makes recommendations to the Commission on what course of action to take in respect of each particular situation. The Working Group cannot defer a decision until its next session. It reports confidentially to the Commission. However, to facilitate subsequent participation by the Governments directly concerned at the level of the Commission itself, the Working Group communicates to them in advance the text of the relevant recommendations (Commission decision 14 (XXXV) of 12 March 1979).

72. The fourth and the final stage in the implementation of the 1503 procedure takes place in the Commission on Human Rights. In the light of the recommendations placed before it by the Working Group on Situations, the Commission considers the particular situations referred to it by the Sub-Commission and any particular situation which it had decided (at the previous session) to keep under review. It takes into account all relevant government replies received under Council resolution 728 F (XXVIII) and government observations received under Commission decision 3 (XXX) of 6 March 1974. At this stage in the procedure, the Governments directly concerned are invited to attend the respective closed meetings of the Commission, to address the Commission and to reply to any oral questions put by the members (Commission decision 5 (XXXIV) of 3 March 1978). The representatives of the Governments concerned have the right to attend and to participate in the entire discussion concerning their country and to be present when the Commission decides what course of action to take (Commission decision 9 (XXXVI) of 7 March 1980).

73. While Council resolution 1503 (XLVIII) envisages that the Commission would determine either (a) whether a thorough study is warranted in respect of a given particular situation, or (b) whether a particular situation should be investigated by an ad hoc committee, the Commission has, through the years, developed its own mechanism of implementation within the spirit of the resolution. A thorough study under paragraph 6 (a) of the resolution has only been embarked upon once, since the Commission started to apply the resolution 20 years ago, 4/ and an investigation under paragraph 6 (b) has never been resorted to.

74. Instead of the alternatives spelled out in paragraph 6 of Council resolution 1503 (XLVIII), the Commission has devised the following four alternatives in the application of the procedure:

(a) To discontinue consideration of the matter, when further consideration or action is not warranted;

(b) To keep the situation under review, in the light of any further information received from the Government concerned and any further information which may reach the Commission under the 1503 procedure;

(c) To keep the situation under review and to appoint an independent expert to enter into direct contacts with the Government and the people of the country concerned and to report back to the Commission at its following session. (Alternatively, the Commission has requested the Secretary-General to appoint a special representative for the same purpose.);

(d) To discontinue consideration of the matter under the confidential procedure governed by Council resolution 1503 (XLVIII), in order to take up consideration of the same matter under the public procedure governed by Council resolution 1235 (XLII).

75. Common to all stages in the implementation of the 1503 procedure is that all meetings of the bodies involved are closed. Confidential summary records are issued for the closed meetings of the Sub-Commission and the Commission, but not for the two working groups involved.

76. No publicity is given to the decisions taken by the Working Group on Communications, the Sub-Commission or the Working Group on Situations. However, after the Commission has concluded its work under the 1503 item each year, the Chairman makes a public statement, indicating which countries have been the subject of discussion. This practice has been followed since 1978. In the interest of equity, the Chairman also indicates which countries, if any, are no longer under consideration within the procedure.

2. Special procedures

77. To the extent that the special rapporteurs/representatives/experts and working groups of the special procedures of the Commission on Human Rights have described the framework of their reporting, reference is made to the following documents of the Commission on Human Rights. (In this regard, it should be noted that the Working Groups on Enforced or Involuntary Disappearances and Arbitrary Detention have elaborated comprehensive methods of work which were placed before, and endorsed by, the Commission on Human Rights, as found in the relevant documents listed below.)

i. Thematic procedures

Mandates	Location in Documents
Arbitrary Detention (Working Group)	E/CN.4/1992/20, paras. 12-16, annexes I and II; E/CN.4/1993/24, annex IV; E/CN.4/1994/27, annex I
Enforced or Involuntary Disappearances (Working Group)	E/CN.4/1988/19, paras. 16-30; E/CN.4/1989/18, para. 23; E/CN.4/1990/13, paras. 25-28; E/CN.4/1991/20, paras. 23-26; E/CN.4/1992/18, paras. 33-34
Extrajudicial, summary or arbitrary executions (Special Rapporteur)	E/CN.4/1994/7, paras. 13-67; E/CN.4/1993/46, paras. 5-41, 689-705; E/CN.4/1992/30, paras. 622-632; E/CN.4/1991/36, paras. 579, 589; E/CN.4/1990/22, para. 475; E/CN.4/1989/25, paras. 302-310; E/CN.4/1987/20, paras. 235-236; E/CN.4/1986/21, paras. 6-7; E/CN.4/1984/29, para. 33
Freedom of opinion and expression (Special Rapporteur)	E/CN.4/1994/33, paras. 23-32
Internally displaced persons (Representative of the Secretary-General)	E/CN.4/1993/35, paras. 4-31, 20-23, 278-279, 285-287; A/48/579, paras. 10-15, 23; E/CN.4/1994/44, paras, 14, 40-44, 63; E/CN.4/1994/44/Add.1, paras 1-5
Religious intolerance (Special Rapporteur)	E/CN.4/1987/35, paras. 20-27; E/CN.4/1988/45, paras. 9-15, 23-25; E/CN.4/1990/46, paras. 10, 12, 14; E/CN.4/1991/56, para. 11; E/CN.4/1993/62, para. 13
Torture and other cruel, inhuman or degrading treatment (Special Rapporteur)	E/CN.4/1986/15, paras. 7-54; E/CN.4/1987/13, paras. 4-11; E/CN.4/1990/17, paras. 6-14; E/CN.4/1991/17, paras. 5-18; E/CN.4/1992/17, paras 6-17; E/CN.4/1993/26, paras. 6-18, 22-25; E/CN.4/1994/31, paras. 5-13;
Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (Special Rapporteur)	E/CN.4/1992/12, paras. 18, 30; E/CN.4/1993/18, paras. 13, 14, 18

ii. Country-oriented procedures

Mandate	Location in Documents
Afghanistan	E/CN.4/1985/21, paras. 8-40
Cuba	E/CN.4/1993/39, paras. 8-10
El Salvador	E/CN.4/1992/32, paras. 1, 3, 34, 45, 70, 81, 82, 99; E/CN.4/1993/11, paras. 22, 42, 221
Equatorial Guinea	E/CN.4/1993/48, paras. 6-8
Iraq	E/CN.4/1992/31, paras. 1-10; E/CN.4/1993/45, paras. 1-5
Islamic Republic of Iran	E/CN.4/1992/34, para. 2; E/CN.4/1993/41, para. 3
Myanmar	E/CN.4/1993/37, paras. 1-7
Southern Africa	E/CN.4/1993/14, paras. 10-27
Former Yugoslavia	E/CN.4/1993/50, paras. 9-15

D. The various norms, criteria and practices established by each existing mechanism in regard to the admissibility of communications

1. Procedure for dealing with communications, governed by Economic and Social Council resolution 1503 (XLVIII)

78. The criteria for determining the admissibility of communications are established by Council resolution 1503 (XLVIII) itself ("consistent pattern of gross and reliably attested violations") and by the provisions of Sub-Commission resolution 1 (XXIV) of 13 August 1971. The latter resolution lays down basic criteria in respect of the object of the communication, the source of communications, the contents of communications and the nature of the allegations, existence of other remedies and timeliness of submission. These criteria, while mainly the concern of the Working Group on Communications and the Sub-Commission, are also taken into account by the Working Group on Situations and by the Commission itself.

2. Special procedures

79. Information on this question may be found in the resolutions establishing the specific mandates as referred to above. To the extent that the following special rapporteurs/representatives/experts and working groups of the special procedures of the Commission on Human Rights have described the information received, and/or the treatment thereof, reference is made to the following documents of the Commission on Human Rights.

i. Thematic procedures

Mandates	Location in Documents
Arbitrary Detention (Working Group)	E/CN.4/1993/24, Deliberation 02 (paras. 3-8), Deliberation 03(A)
Enforced or Involuntary Disappearances (Working Group)	E/CN.4/1988/19, paras. 16-22
Extrajudicial, summary or arbitrary executions (Special Rapporteur)	E/CN.4/1994/7, paras. 18-21; E/CN.4/1993/46, paras. 14-25, 690-691
Internally displaced persons (Representative of the Secretary-General)	E/CN.4/1993/35, paras. 13-17; E/CN.4/1994/44, paras. 55-57
Religious intolerance (Special Rapporteur)	E/CN.4/1987/35, paras. 28-87; E/CN.4/1988/45, paras. 37-52; E/CN.4/1989/44, paras. 89-99; E/CN.4/1990/46, paras. 102-108; E/CN.4/1991/56, paras. 16-31; E/CN.4/1992/52, paras. 76-164
Torture and other cruel, inhuman or degrading treatment (Special Rapporteur)	E/CN.4/1987/13, paras. 5-7; E/CN.4/1990/17, para. 6; E/CN.4/1991/17, paras. 5-10; E/CN.4/1992/17, paras 6-8;
Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (Special Rapporteur)	E/CN.4/1992/12, para. 18; E/CN.4/1993/18, paras. 14, 15

ii. Country-oriented procedures

Mandate	Location in Documents
Afghanistan	E/CN.4/1985/21, paras. 5-7
Cuba	E/CN.4/1993/39, paras. 8-9
Iraq	E/CN.4/1992/31, para. 147; E/CN.4/1993/45, paras. 164-179
Islamic Republic of Iran	E/CN.4/1987/23, para. 87; E/CN.4/1988/24, para. 79; E/CN.4/1989/26, para. 59; E/CN.4/1991/35, paras. 464-468
Southern Africa	E/CN.4/1993/14, paras. 22-25
Former Yugoslavia	E/CN.4/1992/S-119, paras. 1-5; E/CN.4/1993/50, paras. 9-15

E. The preliminary consideration and evaluation of communications, their referral to the interested parties and subsequent course of action

1. Procedure for dealing with communications, governed by Economic and Social Council resolution 1503(XLVIII)

80. Once a communication has been summarized by the Secretariat under Council resolution 728 F (XXVIII), it automatically constitutes part of the information channelled into the 1503 procedure. Before the 1503 procedure starts to function a copy of the communication has been transmitted to the Government concerned, to permit that Government to reply to the allegations made. Thus, government replies received under Council resolution 728 F (XXVIII) constitute an integral part of the material considered under the 1503 procedure. As explained above, preliminary consideration and evaluation of communications under the 1503 procedure are entrusted to the Sub-Commission's Working Group on Communications. Subsequent course of action has already been explained above.

2. Special procedures

81. The special rapporteurs/representatives/experts and working groups of the special Procedures of the Commission on Human Rights seek to receive the widest range of information from the most direct sources, within the limits of existing possibilities, and to obtain the views of the relevant Governments on allegations received. In this connection, reference is made to more specific descriptions given under various procedures as referred to in the tables under sections C and D above.

F. Criteria used in practice by the Centre for Human Rights for channelling communications into a public machinery or into the 1503 procedure - legal foundation for such criteria

82. Communications are not "received" per se under Council resolution 1503 (XLVIII). The resolution envisages that communications "received" under Council resolution 728 F (XXVIII) would be channelled into the 1503 procedure. This was logical, at the time in question, since resolution 728 F (XXVIII) was the only global resolution applicable to Secretariat handling of communications concerning alleged violations of human rights. 5/ Subsequently, upon the entry into force of the International Covenant on Civil and Political Rights and the Optional Protocol thereto, which sets out a procedure for dealing with individual complaints, the question arose whether there would be a duplication or overlapping of work between the 1503 procedure, on the one hand, and the communications procedure under the Optional Protocol, on the other hand. It was no longer considered valid that the Secretariat would handle all communications under Council resolution 728 F (XXVIII). Practical suggestions were placed before the Commission at its thirty-fifth session in 1979, as to which communications would be channelled into the 1503 procedure, through Council resolution 728 F (XXVIII), and which communications would be channelled into the Optional Protocol procedure (see E/CN.4/1317, paras. 30 to 36). The working methods proposed by the Secretary-General have been followed, uncontested, for the last 15 years (see para. 48 above).

83. Since 1979, it has been the practice of the Commission not to take any action under the 1503 procedure, if the country concerned is being dealt with under a public procedure. In line with that approach, no material has been referred to the Commission by the Sub-Commission under the 1503 procedure since 1982 in respect of country situations considered under a public procedure within the Commission's agenda item on the question of violations of human rights. Normally, the resolutions establishing such mandates provide that information may be solicited and received from various sources. Further, the Commission has on a number of occasions decided to discontinue consideration of a country situation under the 1503 procedure, in order to take up consideration of the same matter under a public country mandate. In the circumstances, the Secretariat has adapted its working practices to be in line with the Commission's policy. This also applies in respect of the thematic mandates established by the Commission as public procedures since 1980. In short, communications relevant to established public procedures, country-oriented or thematic, are brought to the attention of the respective special rapporteurs or working groups. The above approach has been developed in consultation with the special rapporteurs and working groups concerned. In particular, thematic special procedures which concentrate their attention primarily on concrete individual cases need to be informed about all such cases brought to the attention of the Secretariat.

84. Furthermore, it should be noted that thousands of communications are each year addressed specifically to an established public mandate, thematic or country-oriented. In these cases the communications are routed to the procedure specifically indicated by the authors.

G. Procedure for dealing with communications concerning the status of women

85. By resolution 76 (V) of 5 August 1947, as amended by resolution 304 I (XI) of 14 and 17 July 1950 and resolution 1983/27 of 26 May 1983, the Economic and Social Council asked the Secretary-General to compile non-confidential lists of communications dealing with the principles relating to the promotion of women's rights in the political, economic, civil, social and educational fields, and confidential lists of other communications concerning the status of women. Both lists have to be made available to the members of the Commission on the Status of Women, the confidential ones in private meeting, without divulging the identity of the authors of the communications. The communications mechanism gives individuals or organizations the possibility to bring to the attention of the Commission on the Status of Women situations dealing with the violation of the principles relating to the promotion of women's rights in political, economic, civil, social and educational fields.

86. Upon receipt of a communication concerning the status of women, its content is communicated by the Secretary-General to the Government concerned without divulging the identity of the author, thus inviting the Government to comment on it.

87. The amendment contained in resolution 1983/27 requested the Secretary-General also to include in the lists of confidential and non-confidential communications communications received by the specialized agencies, regional commissions and other United Nations bodies and to solicit the cooperation of the United Nations system.

88. The lists contain summaries of the communications received by the Division for the Advancement of Women of the United Nations Secretariat, New York, including comments of Governments thereon, if any, as well as of communications concerning the status of women received by other units of the United Nations Secretariat, including the regional commissions, other United Nations bodies and the specialized agencies.

89. Resolution 1983/27 also authorized the Commission to appoint a working group of not more than five of its members, selected with due regard for geographical distribution, to meet in closed meetings during each session of the Commission in order to consider all communications and bring to the attention of the Commission those which appeared to reveal a consistent pattern of reliably attested injustice and discriminatory practices against women. Pursuant to that resolution, the Working Group would prepare a report, based on its analysis of all the communications, indicating the categories in which communications were most frequently submitted to the Commission.

90. By resclution 1993/11 the Economic and Social Council invited each regional group to appoint, one week before each session of the Commission, a member of the Working Group on Communications. It also requested the Secretary-General to ensure proper coordination of the activities of the Commission on the Status of Women with those of other bodies of the Council.

91. The Commission on the Status of Women has the mandate, through Council resolution 1983/27, as reiterated by resolution 1993/11, to examine the report of the working group and to make recommendations to the Economic and Social Council on what action should be taken on emerging trends and patterns of discrimination against women as revealed by such communications.

Notes

1/ The procedure also extends to complaints about alleged violations of the Second Optional Protocol to the Covenant aiming at the abolition of the death penalty. There are 20 States parties to the Second Optional Protocol.

2/ The first mandate of the ad hoc Working Group of Experts on Southern Africa was established by Commission res. 2 (XXIII). However, the terms of that mandate were considerably altered by resolution 1991/21, in particular by paragraph 21.

3/ Pursuant to paragraph 2 (e) of Council resolution 728 F (XXVIII), each member State concerned is furnished with a copy of any communication processed under the resolution, to permit the Government concerned to reply to the allegations made.

4/ In 1978, the Commission decided that a thorough study should be conducted in respect of the human rights situation in Uganda. A Special Envoy was appointed to carry out that task. The exercise was abandoned in 1981, after the fall of the regime of President Idi Amin.

5/ Council resolution 76 (V) of 5 August 1947 concerned the handling, specifically, of communications concerning the status of women; Council resolutions 277 (X) and 474 A (XV) concerned the handling of alleged infringements of trade union rights; and Council resolution 607 (XXI) concerned the handing of communications relating to alleged forced labour (see E/CN.4/1317, paras. 37 to 42).